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MEMORANDUM ENDORSEMENT

Westfair LLC v. Pupovic, et al.

24-cv-05879-NSR

The Court is in receipt of Plaintiff's letter motion dated April 29, 2025 (ECF No. 41) (attached hereto) requesting a stay of the entirety of this action pending resolution of *Pupovic, et al v. Diamond Tucker St. Property, LLC, et al*, 3:24-cv-01969 (VAB). The Court is also in receipt of Defendants' letter dated May 5, 2025 (ECF No. 43) (attached hereto) in response indicating that they have no objection to the Plaintiff's motion for a stay as long as Plaintiff takes no steps to enter or enforce a default judgment against Mr. and Mrs. Pupovic in this action in the interim.

Plaintiff's request for a stay is GRANTED. Plaintiff's motions at ECF Nos. 24 and 26 are dismissed without prejudice to renew pending resolution of *Pupovic, et al v. Diamond Tucker St. Property, LLC, et al*, 3:24-cv-01969 (VAB). Plaintiff is directed to provide the Court with a status report of the pending resolution every 90 days. If there is a resolution, Plaintiff is directed to inform the Court within five (5) business days. The Clerk of Court is directed to terminate the motions at ECF Nos. 24, 26, and 41.

Dated: May 6, 2025
White Plains, NY

SO ORDERED:



NELSON S. ROMÁN
United States District Judge

RODERICK D. WOODS, P.C.

RODERICK DAVID WOODS, ESQ.*

ATTORNEY-AND-COUNSELOR AT LAW

*ADMITTED TO PRACTICE IN NEW YORK, CONNECTICUT, AND WASHINGTON, D.C.

April 29, 2025

Honorable Nelson S. Roman
United States District Judge
United States District Court for the Southern District of New York
300 Quarropas St.
White Plains, NY 10601-4150

Re: Westfair, LLC v. Pupovic, et al; 7:24-cv-05879 (NSR)

Dear Judge Roman:

I represent the Plaintiff, Westfair, LLC (“Westfair”), with respect to the above matter. By this letter Motion, Westfair respectfully requests that the Court stay this action in its entirety pending adjudication of a Fed. R. Civ. P. 60(b)(4) filed by Westfair (and two additional entity parties not named in this case) which is currently pending before the Honorable Victor A. Bolden in the United States District Court for the District of Connecticut in the matter of Pupovic, et al v. Diamond Tucker St. Property, LLC, et al, 3:24-cv-01969 (VAB). A stay has already been entered by the Honorable Jessica G.L. Clarke in a matter involving the Defendants and a non-party, Diamond Tucker St. Property, LLC, on the same basis. The case number of that case is 7:24-cv-08373-JGLC.

The Fed. R. Civ. P. 60(b)(4) Motion seeks to void a purported default Judgment which allegedly entered against Westfair (and others) in the Superior Court of Connecticut, Judicial District of Bridgeport, since the Court lacked personal jurisdiction over the Defendants in that case, one of whom is the Plaintiff in this case, Westfair. As the Motion avers, the Plaintiffs in that case (the Defendants in this one) utilized a defective section of the Connecticut General Statutes in attempting to effectuate service of process. As such, service was patently improper, rendering the case vulnerable to dismissal. Consequently, the Superior Court never acquired personal jurisdiction over Westfair (and the other Defendants) and the ostensible Judgment, the Motion argues, therefore, is void.

In the Southern District of New York, the Court has discretion to stay an action “in the interest of judicial economy . . . pending the outcome of proceedings which bear upon the case, even if such proceedings are not necessarily controlling of the action that is to be stayed.” *LaSala v. Needham & Co.*,

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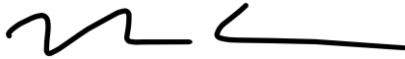
399 F. Supp. 2d 421, 427 (S.D.N.Y. 2005) (quoting *Am. Shipping Line v. Massan Shipping*, 885 F. Supp. 499, 502 (S.D.N.Y. 1995)).

It is respectfully posited that this is the precise situation with the instant case and that considerations of judicial economy merit staying this action. The Defendants have filed a Motion to Dismiss predicated, in whole or in part, upon the purported default Judgment which Westfair is currently challenging in the United States District Court for the District of Connecticut. As such, a ruling on Westfair's Motion will have a direct bearing on this matter. A stay of this action promotes judicial economy.

Based upon the foregoing, Westfair respectfully requests that the Court stay this action in its entirety pending the adjudication of its Fed. R. Civ. P. 60(b)(4) Motion presently before Judge Bolden.

The Court's time and kind attention to this request is appreciated.

Very Truly Yours,

A handwritten signature in black ink, appearing to be 'R. Woods', with a stylized flourish at the end.

Roderick D. Woods, Esq.

cc: All counsel of record via ECF

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May 5, 2025

Via Facsimile Only – (914) 390-4179

Hon. Nelson S. Roman
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: Westfair LLC v. Pupovic
Index #24-cv-05879-NSR

Dear Judge Roman:

My office represents the Defendants, Karen and Ismet Pupovic, in the above-referenced matter. I am writing in response to the request of the Plaintiff, Westfair, LLC, made via letter motion dated April 29, 2025, requesting a stay of the above referenced action pending the outcome of motion practice in U.S. District Court for the District of Connecticut described in Plaintiff's attorney's letter motion to the Court.

So long as Plaintiff will take no steps to enter or enforce a default judgment against Mr. and Mrs. Pupovic in this action pending the outcome of motion practice in the District of Connecticut, Defendants in this action have no objection to Westfair's request for a stay of this action.

Respectfully,

/s/

MARK A. RUBE0, JR.

MAR/

cc: Jonathan E. Neuman, Esq. (via email)
Roderick Woods, Esq. (via email)